REMARKS

Claims 1, 3-8, 10, and 11 are pending in the present application. Claims 1-11 were examined. Claims 2 and 9 have been cancelled by amendment.

In the office action mailed January 12, 2006 (the "Office Action"), the Examiner rejected claims 1-11 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,546,425 to Hanson *et al.* (the "Hanson patent").

An information disclosure statement was submitted on January 10, 2006 (the "IDS"). Applicants request the Examiner consider the references cited in the Form PTO-1449 of the IDS and provide the attorney of record with a signed and initialed copy of the Form PTO-1449.

Amended claims 1, 6, and 11 are patentably distinct from the Hanson patent because the Hanson patent fails to disclose the combination of limitations recited by the respective claims.

The Hanson patent describes a mobile network computer system 100 having mobile end systems ("MESs") 104 communicating with a peer system 110. Communication between the MESs 104 and the 110 is facilitated by a mobility management system ("MMS") 102 coupled to the peer system 110 through a local area network ("LAN") 108. Rather than communicating with the peer system 110 directly, communication with the MESs 104 is made through the MMS 102 in order to maintain connectivity even if there is a temporary loss of communication, such as when a MES roams from one coverage 107 to another, or the MES 104 moves out of range of a transceiver 106. As described in the Hanson patent, the MMS 102 serves as a network level proxy that enables MESs 104 to communicate with the peer system 110 using conventional "continuous session type data streams" even though the MESs 104 do not have continuous connection with the peer system 110. By using a dedicated MMS 102 through which all MESs 104 communicate with the peer system 110, the peer system 110 does not need to be modified even if the computer system 100 is to be deployed as a mobile network.

In contrast to the MMS 102 described in the Hanson patent, amended claims 1, 6, and 11 recite a system having a proxy that is included in a mobile device. Additionally, a bypass mechanism is included in the system to allow the proxy in the mobile device to update a schedule without going through a web server when the mobile device reconnects with the

network. As shown in Figures 1 and 2 of the Hanson patent, the MMS 102 is not part of the MESs 104. The MMS 102 communicates with all of the MESs 104 through a network (i.e., communicates remotely from the MESs 104). Moreover, reviewing Figure 2 and the related description for the MMS 102, a bypass mechanism or a mechanism that allows for a proxy included in the MESs 104 to update a schedule without going through a web server is not described. As described in the present application, having a bypass mechanism enhances connectivity of a mobile device by having direct communication with the connection kernel included in the scheduling system.

It is unlikely that the mobile networked computer system 100 described in the Hanson patent would be modified to include a bypass mechanism that allowed the MESs 104 to communicate with the peer system 110 without first communicating with the MMS 102. The purpose of the MMS 102 is to have an intermediary system that alleviates the peer system 110 from having to communicate directly with the MESs 104. In this way, intermittent connectivity between the peer system 110 and mobile MESs 104 does not effect the overall flow of information. Connectivity issues are handled entirely by the MMS 102 so that communication between the peer system 110 and the MESs 104 is seamless and conventional protocols for continuous data streams can be used. This is partly accomplished by having the MMS 102 maintain the current state of each of the MESs 104 in the event that a MES 104 loses connectivity. When the MES 104 reconnects, information that has been queued by the MMS 102 for the MES 104 since the last known state is provided so that information is not lost when connectivity is broken. Adding a bypass mechanism where information can bypass the MMS 102 would make maintaining the status of each MES 104 by the MMS 102 much more difficult since it cannot directly track all information communicated between the MESs 104 and the peer system 110, which as a result would potentially compromise the overall data integrity of the system.

Additionally, the description of the peer system 110 in the Hanson patent does not disclose or suggests "a schedule having shifts of workers in which orders are assigned to be performed" or "scheduling an order to be performed by a worker into a schedule," despite the Examiner's assertion to the contrary. The peer system 110 is generally described and does not contemplate including a schedule or performing scheduling as recited in claims 1, 6, and 11. In
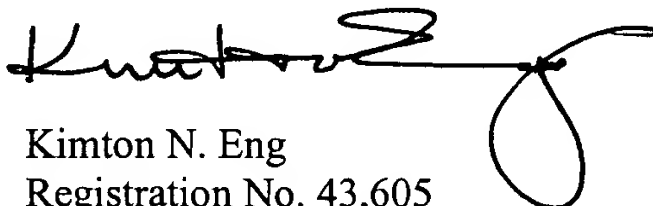
order for a *prima facie* case of anticipation under 35 U.S.C. 102 to be established, the cited reference must disclose all limitations of the combination of limitations recited by the rejected claim. Failing this, as in the present case with claims 1, 6, and 11, an anticipation rejection cannot be maintained.

For the foregoing reasons, claims 1, 6, and 11 are patentably distinct from the Hanson patent. Claims 3-5, which depend from claim 1, and claims 7, 8, and 10, which depend from claim 6, are similarly patentable based on their dependency from a respective allowable base claim. Therefore, the rejection of claims 1, 3-8, 10, and 11 under 35 U.S.C. 102(e) should be withdrawn.

All of the claims pending in the present application are in condition for allowance. Favorable consideration and a timely Notice of Allowance are earnestly solicited.

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